



State Of California
Business, Transportation And Housing Agency
DEPARTMENT OF CORPORATIONS
California's Investment and Financing Authority

www.corp.ca.gov

Gray Davis
Governor

Demetrios A. Boutris
California Corporations Commissioner

DATE: November 27, 2002

RELEASE No. 51-FS

FILINGS TO CLAIM THE EXEMPTION FROM PRORATER LICENSING
UNDER FINANCIAL CODE SECTION 12104 OF THE CHECK SELLERS,
BILL PAYERS AND PRORATERS LAW

The purpose of this release is to provide notice of certain filing requirements added by Assembly Bill 2293 (Chapter 779, Statutes of 2002). AB 2293 amended the exemption from licensure for nonprofit community service organizations (also known as consumer credit counseling agencies) under the Check Sellers, Bill Payers and Proraters Law (Financial Code Section 12000, et seq.).

Effective January 1, 2003, nonprofit community service organizations ("organizations") seeking to claim the exemption from prorater licensing under Financial Code Section 12104 will be required to comply with new requirements, including certain filing requirements. The following is a description of the filing requirements and the procedures for filing the documents with the California Corporations Commissioner ("Commissioner").

The necessary forms are attached to this release. The forms may also be obtained through the Web site of the Department of Corporations ("Department") at www.corp.ca.gov or at any of the Department's office locations.

The Notice and Written Consent

Effective January 1, 2003, Section 12104(f)(1) requires organizations to provide the Commissioner with the name, address, and telephone number of the financial institution where the organization maintains its trust account, as well as the name and number of the trust account. Section 12104(f)(2) requires organizations to provide the Commissioner with a written consent providing that the organization and the organization's financial institution consent to the Commissioner's jurisdiction for the

purpose of any investigation or proceeding under the Check Sellers, Bill Payers and Proraters Law, and with respect to the books, records and the property of the organization, including the organization's trust account and any other accounts holding debtors' funds, as specified. The Department has created a form upon which to provide this information, entitled Nonprofit Community Service Organization Notice and Written Consent.

The Annual Report

Effective January 1, 2003, Section 12104(i) requires an organization to provide the Commissioner with an annual report containing audited financial statements within 120 days after the close of the organization's fiscal or calendar year, as specified. The Department has created a form to use as a cover sheet in providing this information, entitled Nonprofit Community Service Organization Audit Report and Declaration.

The Notice of Termination

Effective January 1, 2003, Section 12104(q) requires an organization to provide the Commissioner with notice when the organization ceases to engage in business as a prorater in California in reliance upon the licensing exemption in Section 12104, as specified. The Department has created a form upon which to provide this information, entitled Notice of Dissolution or Termination of Engaging in the Activities of a Prorater.

Filing Information

To file the above information, send the documents to the Department's Sacramento office at:

California Department of Corporations
1515 K Street, Suite 200
Sacramento, CA 95814-4052
Attention: Program Support

Questions regarding the filing requirements may be directed to the Office of Law and Legislation at (916) 322-3553.

DEMETRIOS A. BOUTRIS
California Corporations Commissioner

By _____
TIMOTHY L. Le BAS
Deputy Commissioner and General Counsel
Office of Law and Legislation
(916) 322-3553

DEPARTMENT OF CORPORATIONS

Fee: None

Insert File Number of Previous Filings
Before the Department (if known)

COMMISSIONER OF CORPORATIONS
STATE OF CALIFORNIA

NONPROFIT COMMUNITY SERVICE ORGANIZATION
NOTICE AND WRITTEN CONSENT

Part I of III

FINANCIAL INSTITUTION INFORMATION UNDER SECTION 12104(f)(1)
OF THE CHECK SELLERS, BILL PAYERS AND PRORATERS LAW
(Financial Code Section 12104(f)(1))

A. Check one: () Original Notice () Amended Notice

B. Information on the Nonprofit Community Service Organization

1. Name of Nonprofit Community Service Organization:

(If name has changed since a previous filing) Prior Name:

2. Address of Nonprofit Community Service Organization:

Number and Street City State Zip Code

Mailing Address:

Number and Street City State Zip Code

3. Area Code and Telephone Number: () _____

4. Contact Person: _____

5. Date fiscal year ends: () December 31 () June 30 () Other (provide date) _____

C. Information on the Financial Institution Where the Trust Account is Maintained

6. Name of Financial Institution:

7. Address:

Number and Street City State Zip Code

8. Area Code and Telephone Number: () _____

9. Contact Person at Financial Institution: _____

COMMISSIONER OF CORPORATIONS
STATE OF CALIFORNIA

NONPROFIT COMMUNITY SERVICE ORGANIZATION
NOTICE AND WRITTEN CONSENT

Part II of III

TRUST ACCOUNT INFORMATION UNDER SECTION 12104(f)(1)
OF THE CHECK SELLERS, BILL PAYERS AND PRORATERS LAW
(Financial Code Section 12104(f)(1))

CONFIDENTIAL

A. TRUST ACCOUNT INFORMATION

Name of the Account and the Account Number:

B. NONPROFIT COMMUNITY SERVICE ORGANIZATION INFORMATION

Date

Name of Nonprofit Community Service Organization

Name of Individual Signing on Behalf of Organization

Signature

Title

Section 12104(f) of the California Financial Code provides that a nonprofit community service organization shall provide to the California Corporations Commissioner the following information prior to engaging in business in this state and claiming the exemption from licensure: A written notice with the name, address, and telephone number of the bank, savings bank, savings and loan association, or credit union where the trust account is maintained, and the name of the account and the account number. The account information required in this paragraph shall be kept confidential pursuant to the laws governing disclosure of public records, including the California Public Records Act, Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code, and the rules adopted thereunder.

COMMISSIONER OF CORPORATIONS
STATE OF CALIFORNIA

NONPROFIT COMMUNITY SERVICE ORGANIZATION
NOTICE AND WRITTEN CONSENT

Part III OF III

WRITTEN CONSENT UNDER SECTION 12104(f)(2)
OF THE CHECK SELLERS, BILL PAYERS AND PRORATERS LAW
(Financial Code Section 12104(f)(2))

On behalf of _____ (insert name of nonprofit community service organization) and
_____ (insert name of financial institution), the persons signing below do hereby
irrevocably consent that, upon the California Corporations Commissioner taking possession of the property and business of
_____ (insert name of nonprofit community service organization), all books,
records, property and business, including trust accounts and any other accounts holding debtors' funds, shall be immediately turned
over to the California Corporations Commissioner or a receiver appointed pursuant to the California Check Sellers, Bill Payers and
Proraters Law (California Financial Code Section 12000, et seq.).

On behalf of _____ (insert name of nonprofit community service organization) and
_____ (insert name of financial institution), the persons signing below do
hereby consent to the jurisdiction of the California Corporations Commissioner for the purpose of any investigation or proceeding under
Sections 12105 and 12106 of the California Financial Code, or any other provision of the California Check Sellers, Bill Payers and
Proraters Law.

Name of Nonprofit Community
Service Organization

Name of Financial Institution

Name of Individual Signing on
Behalf of the Organization

Name of Individual Signing on Behalf of
the Financial Institution

Signature

Signature

Title

Title

Date

Date

California Financial Code Section 12104(f)(2) requires this consent form to include the name, title, and signature of an official of the bank, savings bank, savings and loan association, or credit union holding the authority to consent on behalf of such institution, and the name, title, and signature of the chief executive officer or president of the nonprofit community service organization.

COMMISSIONER OF CORPORATIONS
STATE OF CALIFORNIA

NONPROFIT COMMUNITY SERVICE ORGANIZATION
NOTICE AND WRITTEN CONSENT

INSTRUCTIONS

Pursuant to Section 12104(f) of the Check Sellers, Bill Payers and Proraters Law (Financial Code Section 12104(f)), a nonprofit community service organization must provide the Commissioner with specified information prior to engaging in business in California and claiming the exemption from licensure as a prorater set forth in that section. This form provides the required information to the Commissioner.

Part I.

Item A. If you are filing for the first time, select "Original Notice." If information in your original notice has changed and you are filing an amended notice, select "Amended Notice."

Item B.

Item 1. Provide the name of the nonprofit community service organization claiming the exemption from licensure. If you are filing an amended notice and your name has changed since your original notice was filed, provide your new name on the first line and your previous name on the second line.

Item 2. Provide the address of the organization claiming the exemption from licensure. If you have a different mailing address, provide the mailing address on the second line.

Item 3. Provide the organization's area code and telephone number.

Item 4. Provide the name of a contact person within the organization.

Item 5. Provide the date that the organization's fiscal year ends.

Item C.

Item 6. Provide the name of the financial institution where the organization maintains the trust account holding debtors' funds.

Item 7. Provide the address of the financial institution where the organization maintains the trust account holding debtors' funds.

Item 8. Provide the area code and telephone number of the financial institution where the organization maintains the trust account holding debtors' funds.

Item 9. Provide the name of a contact person at the financial institution where the organization maintains the trust account holding debtors' funds.

Part II.

Item A. Provide the name and number of the trust account maintained by the financial institution (specified in Part 1) where the organization holds debtors' funds.

Item B. On the line above the appropriate description, provide the name of the nonprofit community service organization, the date of signature, the name of the individual signing the notice, the signature of such individual, and the title of the individual signing the notice.

COMMISSIONER OF CORPORATIONS
STATE OF CALIFORNIA

NONPROFIT COMMUNITY SERVICE ORGANIZATION
NOTICE AND WRITTEN CONSENT

INSTRUCTIONS (CONTINUED)

Part III.

In the spaces so designated, insert the name of the nonprofit community service organization claiming the licensing exemption and the name of the financial institution where the trust account funds is maintained. If debtor's funds are maintained in more than one financial institution, provide a written consent form for each financial institution.

On the line above the appropriate description, provide the name of the nonprofit community service organization, the name of the financial institution where debtors' funds are held, the names of the individuals signing the consent form on behalf of the organization and on behalf of the financial institution, the signatures of each individual, and the titles of the individuals signing the consent form.

Filing Information

When to file:

Section 12104(f) of the Check Sellers, Bill Payers and Proraters Law requires the information requested in this form be provided to the Commissioner prior to engaging in business in California and claiming the exemption set forth in that section.

Where to file:

To file the form with the Commissioner, send the form to the Department's Sacramento Office:

California Department of Corporations
1515 K Street, Suite 200
Sacramento, CA 95814-4052
Attention: Program Support

Filing Fee:

This form does not require a filing fee.

Fee: None

 Insert File Number of Previous Filings
 Before the Department (if known)

 COMMISSIONER OF CORPORATIONS
 STATE OF CALIFORNIA

 NONPROFIT COMMUNITY SERVICE ORGANIZATION
 AUDIT REPORT AND DECLARATION

 SECTIONS 12104(i) AND 12104(j) OF THE CHECK SELLERS, BILL PAYERS AND PRORATERS LAW
 (Financial Code Sections 12104(i) and 12104(j))
A. Information on the Nonprofit Community Service Organization

1. Name of Nonprofit Community Service Organization:

 If Name Has Changed Since a Previous Filing, Prior Name:

2. Address of Nonprofit Community Service Organization

Number and Street	City	State	Zip Code
Mailing Address:			

Number and Street	City	State	Zip Code
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3. Area Code and Telephone Number: (_____) _____

4. Contact Person: _____

B. Attached is the audit report required pursuant to Section 12104(i). (Attach audit report.)

() The audit report covers the calendar year for _____ (insert year).

OR

 () The audit report covers the fiscal year beginning _____ and ending
 _____ (insert the beginning and ending dates of the fiscal year).
C. Declaration

The nonprofit community service organization named hereunder is in compliance with Section 12104 of the Check Sellers, Bill Payers and Proraters Law (Financial Code Section 12104), and by signing below I certify (or declare) under penalty of perjury under the laws of the State of California that this statement is true and correct.

 Date

 Place of Execution

 Name of Authorized Individual

 Signature

 Title of Authorized Individual

Section 12104(i) of the California Financial Code provides that a nonprofit community service organization shall submit to the California Corporations Commissioner an audit report containing audited financial statements covering the calendar year or, if the organization has an established fiscal year, then for that fiscal year, within 120 days after the close of the calendar or fiscal year. Section 12104(j) provides that a nonprofit community service organization shall submit a declaration executed by an official authorized by the board of the organization stating that the organization complies with the provisions of Section 12104 of the California Financial Code.

COMMISSIONER OF CORPORATIONS
STATE OF CALIFORNIA

NONPROFIT COMMUNITY SERVICE ORGANIZATION
AUDIT REPORT AND DECLARATION

INSTRUCTIONS

Section 12104(i) of the Check Sellers, Bill Payers and Proraters Law provides that a nonprofit community service organization shall submit to the Commissioner an audit report containing audited financial statements covering the calendar year or, if the organization has an established fiscal year, then for that fiscal year, within 120 days after the close of the calendar or fiscal year. Section 12104(j) provides that a nonprofit community service organization shall submit a declaration executed by an official authorized by the board of the organization stating that the organization complies with the provisions of Section 12104 of the California Financial Code. This form is to provide the audit report and the required declaration to the Commissioner.

Item 1. Provide the name of the nonprofit community service organization claiming the exemption from licensure. If you are filing an amended notice and your name has changed since your original notice was filed, provide your new name on the first line and your previous name on the second line.

Item 2. Provide the address of the organization. If you have a different mailing address, provide the mailing address on the second line.

Item 3. Provide the organization's area code and telephone number.

Item 4. Provide the name of a contact person within the organization.

Item B. Select the appropriate notification by marking within the parentheses. If the audit report covers the calendar year, insert the calendar year that the audit report covers. If the audit report covers the fiscal year, insert both the beginning and ending dates of the fiscal year. Be sure to include the year in the date provided.

Item C. On the line above the applicable description, provide the date of signature, the name of the authorized individual signing the declaration on behalf of the organization, the place where the declaration was signed (city and state), the signature of the individual, and the title of the individual.

Attachments

Attach audit report.

Filing Information

When to file:

Section 12104(i) of the Check Sellers, Bill Payers and Proraters Law requires a nonprofit community service organization to submit to the Commissioner an audit report containing audited financial statements within 120 days after the close of the calendar or fiscal year.

Where to file:

To file the form with the Commissioner, send the form and the accompanying documents to the Department's Sacramento Office:

California Department of Corporations
1515 K Street, Suite 200
Sacramento, CA 95814-4052
Attention: Program Support

Filing Fee:

This form does not require a filing fee.

Fee: None

 Insert File Number of Previous Filings
 Before the Department (if known)

 COMMISSIONER OF CORPORATIONS
 STATE OF CALIFORNIA

 NOTICE OF DISSOLUTION OR TERMINATION OF
 ENGAGING IN THE ACTIVITIES OF A PRORATER

 SECTION 12104(q) OF THE CHECK SELLERS, BILL PAYERS AND PRORATERS LAW
 (Financial Code Section 12104(q))

1. Name of Nonprofit Community Service Organization:

 (If name has changed since a previous filing) Prior Name:

2. Address of Nonprofit Community Service Organization:

Number and Street	City	State	Zip Code
Mailing Address:			

Number and Street	City	State	Zip Code
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3. Area Code and Telephone Number: (_____) _____

4. Contact Person: _____

5. The California Corporations Commissioner is hereby notified that _____ (insert name of nonprofit community service organization) is:

- () Dissolving
- () Terminating activities as a prorater in California
- () Other (describe) _____

6. Date of dissolution or termination of activities: _____

 Date

 Name of Individual

 Signature

 Title

Section 12104(q) of the California Financial Code provides that a nonprofit community service organization shall provide written notice to the California Corporations Commissioner within 30 days of dissolution or termination of engaging in the activities of a prorater, as defined in section 12002.1 of the California Financial Code.

COMMISSIONER OF CORPORATIONS
STATE OF CALIFORNIA

NOTICE OF DISSOLUTION OR TERMINATION OF
ENGAGING IN THE ACTIVITIES OF A PRORATER

INSTRUCTIONS

Section 12104(q) of the Check Sellers, Bill Payers and Proraters Law provides that a nonprofit community service organization shall provide written notice to the Commissioner within 30 days of dissolution or termination of engaging in the activities of a prorater. This form is to provide the required notice to the Commissioner.

Item 1. Provide the name of the nonprofit community service organization dissolving or terminating activities as a prorater in California.

Item 2. Provide the address of the organization. If you have a different mailing address, provide the mailing address on the second line.

Item 3. Provide the organization's area code and telephone number.

Item 4. Provide the name of a contact person within the organization.

Item 5. Insert the name of the organization, and select the appropriate notification by marking within the parentheses. If the organization is notifying the Commissioner that it is no longer relying upon the exemption from licensure for a reason other than termination of activities or dissolution, mark "Other," and describe the reason for the notification.

Item 6. Provide the date that the organization is dissolving or is terminating activities as a prorater. If the organization will no longer be relying on the exemption from licensure in Section 12104 for a reason other than dissolution or termination of prorater activities, provide that date that the organization will no longer be relying upon the exemption.

Signature

On the line above the appropriate description, provide the date of signature, the name of the individual signing the notice on behalf of the organization, the signature of the individual, and the title of the individual.

Filing Information

When to file:

Section 12104(q) of the Check Sellers, Bill Payers and Proraters Law requires a nonprofit community service organization to provide written notice to the Commissioner within 30 days of dissolution or termination of engaging in activities as a prorater.

Where to file:

To file the form with the Commissioner, send the form to the Department's Sacramento Office:

California Department of Corporations
1515 K Street, Suite 200
Sacramento, CA 95814-4052
Attention: Program Support

Filing Fee:

This form does not require a filing fee.